

Rubi, Veronica (EOIR)

From: Brackett, Krystal (EOIR) (CTR)
Sent: Friday, August 31, 2018 1:13 PM
To: All of Court Administrators (EOIR); All of Judges (EOIR); All of OCIJ JLC (EOIR); All of OCIJ JLC (EOIR); BIA ATTORNEYS (EOIR); BIA BOARD MEMBERS (EOIR); EOIR Library (EOIR); BIA SUPPORT (EOIR); BIA TEAM P (EOIR); Butler, Vicki A. (EOIR); Carr, Donna (EOIR); King, Jean (EOIR); OGC (EOIR); McHenry, James (EOIR); Reilly, Katherine (EOIR); Santoro, Christopher A (EOIR); Alder Reid, Lauren (EOIR); Berkeley, Nathan (EOIR); Cowles, Jon (EOIR); Bauder, Melissa (EOIR); Korniluk, Artur (EOIR); Adams, Amanda (EOIR); Pease, Jeffrey (EOIR)
Cc: Rose, Karen (EOIR); Atkinson, Pamela (EOIR)
Subject: Matter of BERMUDEZ-COTA, 27 I&N Dec. 441 (BIA 2018)

The above precedent decision can be found in Volume 27 at page 441. [The link to the decision is:](#)

Intranet:

(b)(7)(E)

- (1) A notice to appear that does not specify the time and place of an alien's initial removal hearing vests an Immigration Judge with jurisdiction over the removal proceedings and meets the requirements of section 239(a) of the Immigration and Nationality Act, 8 U.S.C. § 1229(a) (2012), so long as a notice of hearing specifying this information is later sent to the alien. *Pereira v. Sessions*, 138 S. Ct. 2105 (2018), distinguished.

KRYSTAL BRACKETT
(703) 756-8018
DOJ/EOIR/BIA

Rubi, Veronica (EOIR)

From: Endelman, Gary E. (EOIR)
Sent: Friday, September 07, 2018 6:35 PM
To: Neal, David L. (EOIR)
Subject: FW: Updated Pereira Order for Motions to Terminate
Attachments: SAMPLE - Motion to Terminate (Putative NTA) FINAL.Bermudez Cota Addition.pdf

Thought this might interest you.

From: Gorman, Stephanie (EOIR)
Sent: Friday, September 07, 2018 5:31 PM
To: Brisack, Chris (EOIR) <Chris.Brisack@EOIR.USDOJ.GOV>; Picos, Georgina M. (EOIR) <Georgina.Picos@EOIR.USDOJ.GOV>; Harris, Monique (EOIR) <Monique.Harris@EOIR.USDOJ.GOV>; Bhagat, Nimmo (EOIR) <Nimmo.Bhagat@EOIR.USDOJ.GOV>; Endelman, Gary E. (EOIR) <Gary.Endelman@EOIR.USDOJ.GOV>; Yates, Clarease (EOIR) <Clarease.Yates@EOIR.USDOJ.GOV>; Left, James M. (EOIR) <James.Left@EOIR.USDOJ.GOV>
Cc: Doolittle, John R (EOIR) <John.Doolittle@EOIR.USDOJ.GOV>; Sukkar, Elisa (EOIR) <Elisa.Sukkar@EOIR.USDOJ.GOV>; Gemoets, Marcos (EOIR) <Marcos.Gemoets@EOIR.USDOJ.GOV>
Subject: Updated Pereira Order for Motions to Terminate

Good Evening All,

Judge Gemoets and I have updated the attached order to incorporate the recent *Bermudez-Cota* decision for the *Pereira*-styled motions to terminate. The updated changes are reflected on page 4. Attached is a pdf version for your use and distribution. We hope that you continue to find it useful. Thanks!

Best regards,

Hon. Stephanie E. Gorman
Immigration Judge
U.S. Dept. of Justice/Executive Office for Immigration Review
Houston Immigration Court
1801 Smith St. Suite 900
Houston, TX 77002
(713)718-3870



Rubi, Veronica (EOIR)

From: Camp, Kimberly (EOIR)
Sent: Friday, August 31, 2018 1:48 PM
To: Neal, David L. (EOIR)
Subject: RE: BIA publishes Matter of BERMUDEZ-COTA, 27 I&N Dec. 441 (BIA 2018)

You are very welcome. Have a good weekend!

From: Neal, David L. (EOIR)
Sent: Friday, August 31, 2018 1:46 PM
To: Camp, Kimberly (EOIR) <Kimberly.Camp@EOIR.USDOJ.GOV>
Subject: Fwd: BIA publishes Matter of BERMUDEZ-COTA, 27 I&N Dec. 441 (BIA 2018)

Thanks, Kim!

Begin forwarded message:

From: U.S. Department of Justice <usdoj@public.govdelivery.com>
Date: August 31, 2018 at 1:07:45 PM EDT
To: <david.neal@usdoj.gov>
Subject: BIA publishes Matter of BERMUDEZ-COTA, 27 I&N Dec. 441 (BIA 2018)
Reply-To: <usdoj@public.govdelivery.com>

Matter of BERMUDEZ-COTA, 27 I&N Dec. 441 (BIA 2018)

A notice to appear that does not specify the time and place of an alien's initial removal hearing vests an Immigration Judge with jurisdiction over the removal proceedings and meets the requirements of section 239(a) of the Immigration and Nationality Act, 8 U.S.C. § 1229(a) (2012), so long as a notice of hearing specifying this information is later sent to the alien. *Pereira v. Sessions*, 138 S. Ct. 2105 (2018), distinguished.

Full decision, <https://www.justice.gov/eoir/page/file/1091146/download>



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Rubi, Veronica (EOIR)

From: Walker, Jake (EOIR)
Sent: Tuesday, August 28, 2018 1:06 PM
To: BIA BOARD MEMBERS (EOIR)
Cc: Miller, Sarah (EOIR); Tereschenko, Ivan (EOIR); Faherty, David (EOIR); Brackett, Krystal (EOIR) (CTR)
Subject: A New Case has been Reposted to the EEB for a Special Vote: Bermudez-Cota

Dear Board Members,

A new case has been reposted to the electronic en banc for a special vote. Please remember to vote. Thank you!

DUE DATE: Wednesday, August 29, 2018

INITIAL VOTE: BERMUDEZ-COTA (b)(6)

ISSUE: Whether proceedings must be terminated under *Pereira v. Sessions*, 585 U.S. ___, 138 S. Ct. 2105 (2018), based on the fact that the respondent's Notice to Appear did not include the date and time of his initial removal hearing.

PANEL: *Kendall Clark*, Guendelsberger, Kelly

Thanks,
Jake

(b)(7)(E)